



April 6, 2007

ENGROSSED HOUSE BILL No. 1347

DIGEST OF HB 1347 (Updated April 5, 2007 8:19 am - DI 110)

Citations Affected: IC 7.1-3; noncode.

Synopsis: Alcoholic beverage matters. Provides that a person who sells and ships wine directly to a consumer before January 15, 2007 does not violate certain requirements of the direct wine seller's permit laws. Creates the interim study committee on alcoholic beverage permittee liability insurance to study issues that relate to liability insurance for damages that arise out of a person's sale of alcoholic beverages.

Effective: July 1, 2007.

Welch, Bell, Koch

(SENATE SPONSORS — ALTING, WYSS, SMITH S)

January 16, 2007, read first time and referred to Committee on Public Policy.
February 19, 2007, amended, reported — Do Pass.
February 23, 2007, read second time, ordered engrossed. Engrossed.
February 26, 2007, read third time, passed. Yeas 62, nays 33.

SENATE ACTION

March 5, 2007, read first time and referred to Committee on Commerce, Public Policy and Interstate Cooperation.
April 5, 2007, amended, reported favorably — Do Pass.

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EH 1347—LS 7436/DI 69+



April 6, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1347

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-26-15, AS ADDED BY P.L.165-2006,
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 15. (a) Except as provided in subsections (b) and
4 (c), a seller who violates this chapter commits a Class A infraction.

5 (b) Except as provided in subsection (d), a seller who:

6 (1) knowingly or intentionally violates this chapter; and

7 (2) has one (1) prior unrelated conviction or judgment for an
8 infraction under this section for an act or omission that occurred
9 not more than ten (10) years before the act or omission that is the
10 basis for the most recent conviction or judgment for an infraction;
11 commits a Class A misdemeanor.

12 (c) Except as provided in subsection (d), a seller who:

13 (1) knowingly or intentionally violates this chapter; and

14 (2) has at least two (2) prior unrelated convictions or judgments
15 for infractions under this section for acts or omissions that
16 occurred not more than ten (10) years before the act or omission
17 that is the basis for the most recent conviction or judgment for an

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1 infraction;
2 commits a Class D felony.

3 (d) A person who violates section 6(5) of this chapter commits a
4 Class A infraction. The commission may consider an infraction
5 committed under this subsection in its determination of whether to
6 renew a seller's permit. **However, a person may not be held in**
7 **violation of section 6(5) of this chapter for a direct sale and**
8 **shipment to a person that occurred before January 15, 2007.**

9 SECTION 2. [EFFECTIVE JULY 1, 2007] (a) **As used in this**
10 **SECTION, "committee" refers to the interim study committee on**
11 **alcoholic beverage permittee liability insurance established by this**
12 **SECTION.**

13 (b) **There is established the interim study committee on**
14 **alcoholic beverage permittee liability insurance. The committee**
15 **shall study issues that relate to liability insurance for damages that**
16 **arise out of the person's sale of alcoholic beverages.**

17 (c) **The committee shall operate under the policies governing**
18 **study committees adopted by the legislative council.**

19 (d) **The affirmative votes of a majority of the voting members**
20 **appointed to the committee are required for the committee to take**
21 **action on any measure, including final reports.**

22 (e) **This SECTION expires November 1, 2007.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, after "a" insert "**retailer**".

Page 1, line 6, after "permit" insert ";".

Page 1, line 6, delete "issued under this title;"

Page 1, line 7, delete "or delivers".

Page 1, line 7 delete ":".

Page 1, run in lines 7 through 8.

Page 1, line 8, delete "(A)".

Page 1, line 8, delete "or".

Page 1, delete line 9.

Page 1, line 12, delete "or delivery".

Page 1, line 12, delete "." and insert "**for consumption on the licensed premises.**".

Page 2, line 2, delete "or delivery".

Page 2, line 3, delete "." and insert "**for consumption on the licensed premises.**".

and when so amended that said bill do pass.

(Reference is to HB 1347 as introduced.)

VAN HAAFTEN, Chair

Committee Vote: yeas 7, nays 0.

 SENATE MOTION

Madam President: I move that Senator Alting be removed as second sponsor of Engrossed House Bill 1347.

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SENATE MOTION

Madam President: I move that Senator Wyss be removed as sponsor of Engrossed House Bill 1347 and that Senator Alting be substituted therefor.

WYSS

SENATE MOTION

Madam President: I move that Senator Wyss be added as second sponsor of Engrossed House Bill 1347.

ALTING

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred House Bill No. 1347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1347 as printed February 20, 2007.)

BECKER, Chairperson

Committee Vote: Yeas 9, Nays 1.

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